

Coal Ash Contamination in Puerto Rico

Ruth Santiago, 787-312-2223, 787-824-4368, rstgo2@gmail.com

My name is Ruth Santiago, I am a community lawyer from Salinas, Puerto Rico.

Hundreds of thousands of tons of coal ash are being used as fill material at construction sites above the South Coast Aquifer in southeastern Puerto Rico. CCRs are being deposited within a few meters of public water wells, irrigation canals, streams, farms, wetlands, beaches and other sensitive areas. The Aquifer is the sole source of potable water for approximately 53,000 residents of Salinas and Santa Isabel and many more thousands of people in neighboring municipalities. In some places, contractors have excavated huge holes that have been filled with CCRs below the Aquifer water-table. Ground water sampling results at the Salinas Municipal Landfill, where coal ash has been used as daily cover indicate the presence of selenium and other heavy metals associated with CCRs above background levels. Residents of coastal areas fear that the heavy metals, toxins and radioactive isotopes in the CCRs are leaching into the water supply and will cause serious public health problems.

In addition to providing potable water for tens of thousands of people, the Aquifer feeds the unique Jobos Bay Estuary, a designated National Estuarine Research Reserve. As in the Town of Pines, Indiana, the Reserve and contiguous areas where coal ash is being buried contain low-lying, poorly drained wetland areas. As in Pines, the soil is very sandy, unconsolidated, acidic, with high organic content. In some areas, the Aquifer is contained under a thin (less than 40 feet) clay-rich confining layer, facilitating contact with the CCRs, particularly during hurricane season.

CCRs from the AES Puerto Rico, L.P. power plant are virtually given away at 15 cents per ton to anyone who will take them. AES also provides free transportation to residential and commercial construction sites. AES has no on or off-site disposal facility and disposes of virtually all CCRs that it admits exceed 300,000 tons per year through secondary use at construction sites and daily cover at the Landfill. Even after construction is completed, the coal ash is exposed because the rain erodes the thin layer of dirt sometimes placed over the CCRs. At one site, a virtual mountain of CCRs was dumped, similar to the illegal disposal of AES residues in the Dominican Republic in 2003-4, which has been the subject of various lawsuits and a multi-million dollar settlement paid by AES. In the Settlement Agreement in the Dominican case, AES prohibited the Dominican Government from using any evidence that AES coal ash is toxic or harmful. (Paragraph 8).

The Agremax use contract that AES requires all recipients to sign, limits the type of testing that can be done to the CCRs and reserves the right to "review" results.(Paragraph 2).

The Puerto Rico Government exempts the coal ash from regulation because EPA promotes secondary use through the Coal Combustion Product Partnership.

Thank you for your attention.